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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. RPMS 101 CON(3)  
First Inventor David William Holden  
Title IDENTIFICATION OF GENES  
Express Mail Label No. EL 381 202 131 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 262]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 112]
5. Oath or Declaration [Total Pages 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 17 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application. see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents,  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ paper
  - c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Other: Check for \$988.00

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 09 / 201,945

Prior application information:

Examiner Robert Schwartzman

Group / Art Unit: 1636

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been specifically omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

23579

or ☐ Correspondence address below

Name	Patricia L. Pabst Arnall Golden & Gregory, LLP				
Address	2800 One Atlantic Center 1201 West Peachtree Street				
City	Atlanta	State	GA	Zip Code	30309-3450
Country	United States	Telephone	(404) 873-8794	Fax	(404) 873-8795

Name (Print/Type)	Robert A. Hodges	Registration No. (Attorney/Agent)	41,074
Signature			Date November 16, 2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

Express Mail Label No.: EL 381 202 131 US

**TOTAL AMOUNT OF PAYMENT** (\$988.00)**Complete if Known**

Application Number	Not Yet Assigned
Filing Date	November 16, 2000
First Named Inventor	David William Holden
Examiner Name	Not Yet Assigned
Group Art Unit	Not Yet Assigned
Attorney Docket No.	RPMS 101 CON(3)

JCP45 U.S. PTO  
09/11/00

11/16/00

**METHOD OF PAYMENT (check one)**

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 01-2507

Deposit Account Name: Amall Golden & Gregory

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	710.00
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

**SUBTOTAL (1)** (\$ 710.00)**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
31	11	18.00	198.00
4	1	80.00	80.00
Multiple Dependent			0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$ 278.00)**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 0.00)**SUBMITTED BY**

Name (Print/Type)	Robert A. Hodges	Registration No. (Attorney/Agent)	41,074	Telephone	(404) 873-8796
Signature		Date	November 16, 2000		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Continuation of U.S.S.N. 09/201,945  
Applicant: David William Holden  
Date of Deposit: November 16, 2000  
REQUEST FOR FILING A CONTINUATION  
APPLICATION UNDER 37 C.F.R. § 1.53(b)  
Express Mail Label No.: EL 381 202 131 US

**Certificate of Mailing Under 37 C.F.R. § 1.10**

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, November 16, 2000, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Number EL 381 202 131 US addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Teresa R. Spratt

Date: November 16, 2000

THIS AGREEMENT is made the 24<sup>th</sup> day of June 1998 between

(1) RPMS Technology Limited of Commonwealth Building, Du Cane Road, London W12 0NN ("RPMSt")

and

(2) Imperial College Innovations Limited whose registered office is at Sherfield Building, London SW7 2AZ ("IC Innovations")

**WHEREAS**

- A. RPMSt owns the Patent Rights and the Know-How as hereinafter defined.
- B. RPMSt and IC Innovations are both wholly-owned subsidiaries of Imperial College of Science, Technology and Medicine ("the College") and are both concerned with the transfer of technology from the College to commerce and industry.
- C. The College wishes the technology transfer activities of RPMSt and IC Innovations to be amalgamated within IC Innovations and to this end RPMSt intends to assign the Patent Rights and the Know-How to IC Innovations and IC Innovations agrees to take assignment of same.

**IT IS HEREBY AGREED** as follows:

- 1. In this Agreement the following terms shall have the following meanings :

"Know-How" shall mean the know-how listed in Appendix 2 to the Microscience Licence.

"Microscience Licence" shall mean the licence agreement dated 20 May 1997 between RPMSt and Microscience Limited.

"Patent Rights" shall mean International PCT filing nos PCT/GB95/02875 (based on GB priority filings 9424921.6, 9501881.8 and 9509239.1) and US national filing no 08/637,759, and any continuation applications, divisional applications or continuation-in-part applications relating thereto and any patents or patent applications claiming priority from such patent applications anywhere in the

world and any extensions of the exclusivity granted in connection with such patents, including but not limited to extensions granted under the US Drug Price Competition and Patent Term Restoration Act 1984 and the EC Supplementary Protection Certificate Regulation (Council Regulation (EEC) No 1768/92) and any legislation amending, replacing or implementing the foregoing and includes the patent applications listed in the attached Schedule.

2. In consideration of the sum of £1 (one pound) the receipt of which is hereby acknowledged RPMSt assigns and confirms absolutely to IC Innovations its entire right, title and interest in and to the Patent Rights and the Know-How.
3. IC Innovations accepts such assignment.
4. RPMSt warrants and guarantees that it has full right and title to the Patent Rights and the Know-How and has not agreed to assign its right and title therein to any other person or entity other than IC Innovations or encumbered the Patent Rights or the Know-How other than as provided for in the Microscience Licence and in the Existing Licence Agreements as such term is defined in the Microscience Licence.
5. The transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value exceeds £60,000 (sixty thousand pounds).
6. This Agreement, its construction and performance shall be governed by the laws of England and subject to the jurisdiction of the English courts.

**SIGNED FOR AND ON BEHALF OF**

**RPMS Technology Limited**


.....  
Dr Jonathan Gee, Chief Executive

(Signature)

in the presence of:-

*Gerardine O'Sullivan*

Imperial College Innovations Limited

  
.....  
Susan Jacobs, Company Secretary

(Signature)

in the presence of:-



SCHEDULE

Territory	Patent Application No
Australia	41219/96
Canada	2206515
China	95197575.7
Czech Republic	PV 1755-97
European Patent Office	95939362.0
EPO divisional	98201907.7
Finland	972424
Hungary	P9701765
Japan	8-517428
Korea	97-703866
Norway	972468
New Zealand	296581
Russian Federation	97111781
Singapore	9703322-9
United States	08/637,759)
	08/871,355)

agreements/SJ/assignment-identification of genes

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David William Holden

Serial No: Continuation of 09/201,945

Express Mail Label No.  
EL 381 202 131 US

Filed: November 16, 2000

Date of Deposit:  
November 16, 2000

For: *IDENTIFICATION OF GENES*

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR FILING A  
CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a) as amended by Public Law 97-247 and 37 C.F.R. § 1.10, David William Holden encloses for filing the attached patent application entitled "Identification of Genes." The application includes 1 page of Abstract, 83 pages of Specification, 8 pages of claims, 112 sheets of Formal Drawings, 170 pages of Sequence Listing, and a copy of an executed Declaration for Patent Application. This application is a continuation of pending prior application Serial No. 09/201,945 filed December 1, 1998, entitled "Identification of Genes", by David William Holden, which is a continuation of prior Application No. 08/871,355, filed June 9, 1997, which is a continuation of 08/637,759, filed December 11, 1995, which is a 371 of PCT/GB95/02875, filed December 11, 1995.

RPMS 101 CON(3)  
20001/10



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Continuation of U.S.S.N. 09/201,945  
Applicant: David William Holden  
Date of Deposit: November 16, 2000  
REQUEST FOR FILING A CONTINUATION  
APPLICATION UNDER 37 C.F.R. § 1.53(b)  
Express Mail Label No.: EL 381 202 131 US

Submitted with the above-identified application are (1) a check in the amount of \$988.00 to cover the filing fee, (2) a Preliminary Amendment, (3) a copy of the assignment from David William Holden to RPMS Technology Limited as filed in prior application Serial No. 08/637,759, and recorded at Reel 9113, Frame 0723 on July 19, 1997, (4) a copy of the assignment from RPMS Technology Limited to Imperial College Innovations Limited as filed in prior Application Serial Nos. 08/637,759, 08/871,355, and 09/201,945, and recorded at Reel 010113, Frame 0746 on July 26, 1999; (5) executed Combined Declaration for Patent Application, filed in Application Serial Nos. 08/737,759 and 09/201,945; (6) Statement Under 37 C.F.R. 3.73(b), (7) Associate Power of Attorney Under 37 C.F.R. § 1.34; and (8) Fee Transmittal.

Please preliminarily amend the application in accordance with the Preliminary Amendment.

It is believed that \$988.00 is the proper filing fee since the application will include 4 independent claims and a total of 31 claims after entry of the Preliminary Amendment. The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Account No. 01-2507. To facilitate this process, applicant has enclosed a duplicate of this letter.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration included in the above-identified application is a copy of the executed Declaration filed in parent Application

RPMS 101 CON(3)  
20001/10



Continuation of U.S.S.N. 09/201,945  
Applicant: David William Holden  
Date of Deposit: November 16, 2000  
REQUEST FOR FILING A CONTINUATION  
APPLICATION UNDER 37 C.F.R. § 1.53(b)  
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Serial No. 09/201,945, to which the present application claims benefit. The power of attorney in the prior application is to Patrea L. Pabst, Madeline I. Johnston, and Dolly A. Vance. An Associate Power of Attorney is enclosed. The inventorship for the claims in the present application differs from the inventorship in the parent application, Serial No. 09/201,945, in that David William Holden is the sole inventor of the claims in the present Application, following entry of the Preliminary Amendment.

The subject matter of this application is also related to the subject matter of Application Serial No. 08/637,759, filed December 11, 1995, Application Serial No. 08/871,355, filed on June 9, 1997, and Application Serial No. 09/201,945, filed December 1, 1998, by David William Holden.

This application contains nucleic acid and/or protein sequences as defined in 37 C.F.R. § 1.821-1.825. The sequence listing for the new application is identical to the sequence listing for application Serial No. 08/637,759, filed December 11, 1995, by David William Holden.

Sequence Listings in computer readable form were submitted in Application Serial No. 08/871,355, filed June 9, 1997, entitled "Identification of Genes", by David William Holden on October 31, 1997 and January 26, 1999. Accordingly, pursuant to 37 C.F.R. § 1.821(e), applicant hereby requests that the computer readable form of the sequence listing submitted on January 26, 1999, in application Serial No. 08/871,355 be used as the computer readable form of the

Continuation of U.S.S.N. 09/201,945  
Applicant: David William Holden  
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sequence listing for the above-identified application. The application has a paper copy of the Sequence Listing incorporated therein.

I declare that the paper copy of the Sequence Listing in the present application is identical to the material in the prior sequence listing, and that the Sequence Listing does not add new matter to the application, and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

This application is being filed on November 16, 2000, by mailing the application to Box Patent Application, Commissioner for Patents and Trademarks, Washington, D.C. 20231 via the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10. The Express Mail Label No. EL 381 202 131 US appears in the heading of this paper, which is attached to the application, pursuant to 37 C.F.R. § 1.10(b).

09/201,945-11600

5